IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3978 OF 2006

Mr.Manohar Mahadev Shinde ...Applicant
V/s.
The State of Maharashtra ...Respondent

S/Shri S.K. Shinde with K.R. Jagdale for the Applicant.

S/Shri Raja Thakore, Special P.P. with Rajesh More, APP for the State.

CORAM : V.M. KANADE, J.

DATED : DECEMBER 15, 2006

P.C. :-

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent.

2. This is a second application for bail filed by the applicant on medical ground. The first application was rejected by this Court by Order dated 3rd May, 2006. In the second application, the applicant is seeking temporary bail on the ground that his wife is going to be admitted for a knee ailment on 23rd December, 2006. The applicant has filed affidavit of his wife Mrs.Manisha Manohar Shinde in which she has stated that surgery on her left knee is going to be held on 23rd

December, 2006. She has further stated that the Doctor has advised her to be in the hospital for 15 days after the operation.

3. Shri Thakore, learned Counsel for for the respondent has taken instructions and the statement of the wife has been recorded by the concerned API. In the said statement although she has stated that she is taking treatment for her knee problem and the operation is scheduled to be held in December, Shri Thakore, learned Counsel for the respondent has vehemently opposed the said grant of temporary bail. He has submitted that at the highest, the applicant may be released for a period of one week before the operation. He has invited my attention to para 7 of the order of this Court dated 3rd May, 2006 in which it has been stated that there is possibility of the applicant tampering with the evidence or threatening the witnesses. It is also submitted that further investigation will be made in respect of the other accused and the investigating Officer has gone to Canada for that purpose and the report will be received within

a short time.

4. In my view, this is a fit case for grant of temporary bail for a period of four weeks. The applicant's wife is to be operated in the third week of December and there is no one to look after her and their children. Therefore, on humanitarian ground, the applicant is directed to be released on temporary bail for a period of four weeks from 20th December, 2006 in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall however report to Dharavi Police Station every day between 4.00 p.m. to 6.00 p.m. and shall report DCB, CID, Unit-2 at Satrasta once in ten days. The applicant shall not tamper with the evidence or threaten the witnesses and if any complaint is received, liberty is granted to the prosecution to apply for cancellation of bail. The applicant shall surrender after the period of four weeks is over.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)